

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 COME-00 EB-07 /017 W

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R 250226Z SEP 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 7849

UNCLAS MANILA 13465

E.O. 11652: N/A

TAGS: EIND, RP

SUBJ: TRADEMARK APPLICATION FOR POLYMER

REF: (A) MANILA A-296 DTD 10/31/73 (B) STATE 225746

1. EMBOFF CALLED ON DIRECTOR EVALLE OF PHILIPPINE PATENT OFFICE MORNING OF 24 SEPTEMBER AND DELIVERED EMBASSY LETTER CITING POSITION OF US TRADEMARK ASSOCIATION ON REGISTRATION OF WORD POLYMER. EVALLE WAS SYMPATHETIC TO OUR POSITION AND IMMEDIATELY ORDERED APPLICATION HELD FOR REVIEW.

2. LATER SAME DAY ATTY. VELASCO, SENIOR HEARING OFFICER, CALLED EMBOFF TO ADVISE THAT REVIEW HAD DETERMINED WARME RECEIVED CERTIFICATE OF REGISTRATION NO. 2064 ON THE SUPPLEMENTAL REGISTER ON NOVEMBER 21, 1974. EARLIER APPLICATION NO. 25819 FILED JULY 22, 1974 FOR REGISTRATION ON THE PRINCIPAL REGISTER WAS REFUSED SEPTEMBER 26, 1974 ON BASIS THAT SUBJECT MARK WAS "MERELY DESCRIPTIVE" (GENERIC). FOR SUPPLEMENTAL REGISTER THERE IS NO PUBLICATION FOR OPPOSITION, HOWEVER, A PETITION FOR CANCELLATION OF REGISTRATION IS ALLOWED.

3. THE "REVISED RULES OF PRACTICE BEFORE THE PHILIPPINE PATENT OFFICE IN TRADEMARK CASES", PUBLISHED BY THE PPO NOTES IN RULE 124, PAGE 69, QUOTE ACCORDING TO THE LAW, A CERTIFICATE OF REGISTRATION ON THE SUPPLEMENTAL REGISTER IS NOT PRIMA FACIE EVIDENCE OF THE VALIDITY OF REGISTRATION, OF THE REGISTRANT'S EXCLUSIVE RIGHT TO USE THE SAME
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IN CONNECTION WITH THE GOODS, BUSINESS, OR SERVICES SPECIFIED

IN THE CERTIFICATE. SUCH A CERTIFICATE OF REGISTRATION CANNOT BE FILED, WITH EFFECT, WITH THE BUREAU OF CUSTOMS IN ORDER TO EXCLUDE FROM THE PHILIPPINES, FOREIGN GOODS BEARING INFRINGING MARKS OR TRADE NAMES. (REPUBLIC ACT 166, SECTION 19-A.) UNQUOTE.

4. EMBASSY HAS PREVIOUSLY OUTLINED PROCEDURE AVAILABLE TO OPPOSITORS TO FILE A PETITION FOR CANCELLATION OF REGISTRATION IF A DEADLINE HAS BEEN MISSED (SEE REF A). A PETITION FOR EXTENSION OF TIME FOR FILING NOTICE OF OPPOSITION IS ALSO POSSIBLE. THE US TRADEMARK ASSOCIATION CAN PURCHASE "RULES" DIRECTLY FROM THE PHILIPPINES PATENT OFFICE, 378 QUEZON BLVD., QUEZON CITY, FOR PESOS 7.5 (US \$1.00). THE DEPARTMENT MIGHT ALSO WISH TO FURNISH THEM WITH LIST OF FOREIGN AND LOCAL ATTORNEYS AND AGENTS REGISTERED TO PRACTICE BEFORE THE PHIL. PATENT OFFICE THAT WAS ENCLOSURE TO REF. A.
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Message Attributes

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Disposition Event:
Disposition History: n/a
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